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Fax Cover Sheet

Date: 14 Feb 2005

To: Curtis B. Hamre	From: Harold Joyce
Application/Control Number: 10/799,813	Art Unit: 3749
Fax No.: (612) 332-9081	Phone No.: (571) 272-4876
Voice No.: 612-332-5300	Return Fax No.: (703) 872-9306
Re: AIR CONDITIONING DUCT ARRANGEMENT FOR VEHICLE	CC:

☐ **Urgent** ☒ **For Review** ☐ **For Comment** ☒ **For Reply** ☐ **Per Your Request**

Comments:
Reference to Taylor included

Number of pages 10 **including this page**

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Art Unit: 3749

Dear Mr. Hamre:

Claims 1 and 4-7 are considered to be unpatentable the prior art as indicated below:

Claims 1, 4 and 5 are unpatentable over Asou et al. in view of Taylor. Asou et al. discloses the claimed invention (see column 4, lines 63-67, column 5, lines 21-31) except for (1) the duct extending through the cross member and (2) the claimed position of the seat. As for (1), Taylor teaches that it is known to provide an air ventilation duct for a vehicle which extends through cross members as set forth at column 2, lines 62-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made for the duct of Asou et al. to extend through the cross members, as taught by Taylor in order to provide one of only two past for the duct; i.e., to bypass the cross member or to extend through the cross member. As for (2), applicant's invention pertains to air conditioning duct arrangement for a vehicle as indicated in the preamble of the claims; hence, as far as the seating placement, it would have been merely a matter of obvious design choice as to the relationship between the duct and the seat base since there is in absence of a statement regarding criticality or new and unexpected results and it would appear that the invention would perform equally as well for the duct to be placed above the seat base as shown by Asou et al.

Claims 4 are unpatentable over Asou et al. in view of Taylor as applied to claim 1 above, and further in view of Upham, III. Further, Asou et al. discloses the claimed invention except for the distribution fins. Upham, III teaches that it is known to provide an outlet with a directional member as set forth at column 3, lines 40-44. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the outlet of Asou et al. with the distribution fins, as taught by Upham, III in order to direct the air.

Claim 7 would be objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The below changes is being suggested in order to pass this case to issue. Please review and get back with me at your earliest convenience.

Examiner H. Joyce
(571) 272-4876

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## **Proposed Amendment**

In claim 1, line 10, "and" has been deleted; and after line 10, the following paragraphs has been inserted --

a floor sheet disposed on the cross member having a hole through which the duct opens into the compartment; and

a duct cover covering a periphery of the hole in the floor sheet and having an engagement tongue which is engageable with the cross member; and --

Claim 7 has been canceled.